

May 24, 2006

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 24, 2006, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINGER, Director of Finance  
WARREN G. HEIDT, Director of Public Works  
RHONDA G. HENDERSON, Planning Director  
DIANA C. STULTZ, Zoning Administrator  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD F. KOMARA, Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Chairman Breeden called the meeting to order at 6:00 p.m.

Public Works Director Heidt led the Pledge of Allegiance, and Administrator Paxton gave the Invocation.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Meeting held on May 10, 2006.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Kyger asked Mr. Komara to investigate the possibility of reducing the speed limit on Route 11 near the Fairgrounds from 55 to 45 miles per hour.

Supervisor Kyger asked that VDOT mow, in a timely manner, the entrances to the areas where the volunteer fire and rescue squads will hold their summer fund-raising events.

In regard to S06-29, request of Shenandoah Valley Produce Auction for an off-premise advertising sign on property located on the northwest side of the intersection of Ottobine Road (Route 257) and Lumber Mill Road (Route 734), Supervisor Ahrend asked if VDOT would have a problem with locating a sign on Route 257. Mr. Komara said, although it appeared to be a good location, he was not sure what the regulations would be that govern such a sign. Ms. Stultz noted that there would be a problem with making the sign portable, but it could be removed at the end of the produce season. Mr. Komara said he could coordinate this matter with County staff.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Paxton's staff report dated May 18, 2006, including information concerning the County's comments to the State regarding Port Republic Road, water discussions with the City, and painting of the jail.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following comments to be sent to the Commonwealth Transportation Board.

PROJECT:  
VDOT PROJECT 0253-082-101, P101, R201, C501 PPMS #77093  
RECONSTRUCTION AND WIDENING OF ROUTE 253  
(PORT REPUBLIC ROAD)

1. Does the proposed project appear to be compatible with the county planning, including transportation plans and proposed highway development in the area?

Yes. The study area is included in the Harrisonburg Rockingham Metropolitan Planning Organization area for the Harrisonburg MSA. It is also within the urban growth area as defined in the Rockingham County Comprehensive Plan. This project is the number 1 priority for the HRMPO (see attached priority list) and the Rockingham County Board of Supervisors primary road 6-year plan (see attached resolution of Board).

2. Where is the proposed project ranked in the county transportation improvement needs? See answer to number 1.

3. Is the County developing any mass transit options for this corridor?

The HRMPO is currently studying mass transit options for this area. The study is being prepared in cooperation with the City of Harrisonburg Public Transit.

4. Is the project consistent with the community goals and proposed land use?

Yes. See copy of the appropriate section from Comprehensive Plan.

5. Will the proposed project be disruptive to the community or its planned development?

Possibly in the short run during construction, however in the long run this project will improve the movement through an area that is currently congested. Land adjacent to Port Republic Road (Rte. 253) has been rezoned and, during the rezoning process, right-of-way was donated to VDOT. Future location of Rockingham Memorial Regional Hospital in this corridor makes the construction of these improvements for accessibility to regional hospital essential.

6. What is the position of the Board of Supervisors towards the proposed project?

It is the number one primary road project for the County. See answer to question number 1.

7. Are there any historic sites in close proximity to the proposed project? No.

8. Are there any existing or planned recreational sites within the area? No.

9. Will the proposed project affect a public water supply? No.

10. Does the County have a preferred scheme of development for this project?

No. Just that the project be coordinated with improvements to Stone Spring Road and Reservoir Street, and for the hospital constructed on the north side of the road.

PROJECT:

VDOT PROJECT 0253-082-10 1, P101, R201, C501 PPMS #77093  
RECONSTRUCTION AND WIDENING OF ROUTE 253  
(PORT REPUBLIC ROAD)

1. Do you anticipate or are you aware of any organized opposition to the proposed project? Not at this time.

2. Will the project disrupt a community or its planned development?

Possibly in the short run during construction, however in the long run this project will improve the egress through an area that is currently congested. Land adjacent to the Port Republic Road (Rte. 253) has been rezoned and during the rezoning process right of way was donated to V.D.O.T. Future location of Rockingham Memorial Regional Hospital in this corridor makes the construction of these improvements for accessibility to regional hospital essential.

3. Is the proposed project consistent with community goals, such as proposed land use?

Yes. See copy of the appropriate section from Comprehensive Plan.

4. Is the proposed project endorsed by the Board of Supervisors and in the County Comprehensive Plan?

Yes. The study area is included in the Harrisonburg Rockingham Metropolitan Planning Organization area for the Harrisonburg MSA. It is also within the urban growth area as defined in the Rockingham County Comprehensive Plan. This project is the number 1 priority for the HRMPO (see attached priority list) and the Rockingham County Board of Supervisors primary road 6-year plan (see attached resolution of Board).

5. What is the existing and proposed zoning for the area?

The existing zoning is a combination of agricultural, residential, commercial and professional offices. The proposed zoning is expected to be residential, mixed use, commercial and professional offices.

6. Has the project area been included in any county historical research?

Yes, see enclosed map.

7. Are there any agricultural/forestall districts within the proposed boundaries? No.

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On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved a supplemental appropriation to 001-03302 Corrections of up to 175,000 for painting the Regional Jail, with half the costs to be funded by the City of Harrisonburg, and the balance of funding from the General Fund Reserve.

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**COUNTY ATTORNEY'S STAFF REPORT.**

The Board received and reviewed Mr. Brown's staff report dated May 18, 2006, including information concerning legal matters. He noted that staff is reviewing the changes in State law brought about by legislation passed by the General Assembly to determine changes that need to be made in County ordinances to bring them into compliance with the State Code. He will submit the proposed changes to the Board for consideration at a later date.

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**DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated May 19, 2006, including information on the Technological and Industrial Park (TIP); Virginia Deer Management Plan; German River stream repair project; proposed warehouse building and miscellaneous projects, issues and meeting.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board accepted the proposals of Engineering Concepts for completion of the landscaping design and to provide contract administration for the Technological and Industrial Park (TIP) for a lump sum fee of \$33,225.

Supervisor Cuevas advised that he had been contacted by individuals who were concerned with the condition of the white-tailed deer population in Rockingham County and were requesting that hunters provide comments to the Virginia Department of Game and Inland Fisheries (VDGIF) concerning the draft Virginia Deer Management Plan. He advised of particular concern that the deer habitat conditions in the National Forest have worsened over the last several decades while deer populations in the agricultural areas have increased as the deer search for food on farmland. There was a consensus of the Board to direct staff to invite representatives of the Department of Game and Inland Fisheries and representatives of the game hunting community to meet and discuss this matter with the Board.

In regard to the German River stream repair project, Mr. King advised that the deadline for completion of the project is June 1, 2006, and staff has requested from the (Federal) Natural Resources Conservation Service (NRCS), a time extension to complete the project by the end of this year. There was a consensus of the Board to request the assistance of the County's congressional representative in securing the extension.

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**FINANCE DIRECTOR'S STAFF REPORT.**

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board appropriated the FY2006-2007 Budget, as adopted on April 27, 2006, and shown below.

Supervisor Kyger asked that the record show that his disclosure statement made on April 27, 2006, when the budget was adopted, was still in effect.

**COUNTY OF ROCKINGHAM, VIRGINIA  
ANNUAL APPROPRIATIONS FOR FY 2006-2007 BUDGET**

<u>GENERAL FUND</u>	
General Government Administration	\$ 5,088,987
Judicial Administration	3,040,637
Public Safety	16,590,383
Public Works	1,719,574
Human Services	1,375,126
Parks, Recreation & Cultural	2,011,725
Community Development	2,174,622
Contributions	381,144
Contingency	500,000
Other Expenses	65,000
Transfers to Other Funds	51,618,183
Debt Service - County	571,413
Debt Service - Schools	6,018,649
 TOTAL - GENERAL FUND	 <hr/> <b>\$ 91,155,443</b> <hr/>
 Capital Projects Fund	 <b>\$ 8,574,000</b>
School Capital Projects Fund	<b>13,400,000</b>
School Fund	<b>103,967,838</b>
School Cafeteria Fund	<b>4,163,373</b>

School Textbook Fund	1,160,000
Massanutten Technical Center Fund	4,785,213
E911 Communications Fund	1,801,113
Asset Forfeiture Fund	81,800
Harrisonburg-Rockingham Social Services District	18,579,580
Central Stores Fund	44,000
Utilities Fund	8,206,600
Lilly Subdivision Sanitary District	835,955
Smith Creek Water & Wastewater Authority	268,412
Countryside Sanitary District	22,896
Penn Laird Sewer Authority	437,696
Solid Waste Fund	5,193,867
Human Resources Rental Fund	233,672
TOTAL	<u>\$262,911,458</u>

and authorize the Treasurer to transfer from the General Fund to the following funds, as may be required

Capital Projects Fund	\$ 8,574,000
School Fund	\$ 39,308,230
E911 Communications Fund	\$ 1,175,787
Harrisonburg-Rockingham Social Services District	\$ 2,560,166

and authorize the Treasurer to transfer \$ 2,752,749 from the School Fund to the Massanutten Technical Center Fund as may be required.

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On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following Finance Committee recommendations:

As requested by the Director of Social Services, approved the following supplemental appropriation in the amount of \$86,946 for aid to families with dependant children foster care (AFDC). The full amount is federal and state funded requiring no local match.

Supplemental Appropriation: \$86,946

\$ 86,946	GL Code: 220-05302-200-5705-000	Aid to Dependant Children
\$ 43,473	GL Code: 220-02401-0100	Public Assistance State
\$ 43,473	GL Code: 220-03303-0100	Public Assistance Federal

As requested by the Director of Social Services, approved the following supplemental appropriation in the amount of \$33,067 (\$10,647 for Rockingham County and \$22,420 for Harrisonburg City). These funds are for TANF (Temporary Assistance for Needy Families) and are entirely federal funded requiring no local match.

Supplemental Appropriation: \$33,067

\$10,647	GL Code: 220-05302-100-5744-000 (TANF – County)
\$22,420	GL Code: 220-05302-200-5744-000 (TANF – City)
\$33,067	GL Code: 220-03303-0100 (Public Assistance & Admin.)

Following up on Board action of February 8, 2006 (authorizing the expenditure of up to \$40,000 to be used for the basic audit of all 17 Fire & Rescue units throughout the County) approved the following supplemental appropriation in the amount of \$40,000 for fiscal year 2005-2006. PBGH, Certified Public Accountants, have submitted an interim billing for the agreed-upon procedures and expect to complete their work by June 30, 2006.

\$22,857	GL Code: 001-03202-000-3103-000 (Accounting Services)
\$17,143	GL Code: 001-03203-000-3103-000 (Accounting Services)
\$40,000	GL Code: 001-05201-0100 (Fund Reserve)

As requested by the Commonwealth's Attorney, approved a supplemental appropriation of \$14,000 (of \$40,802 in funds applied for and to be received as a transfer of funds from the Commonwealth of Virginia) to be used to upgrade the network server. The appropriation will be provided from the General Fund Reserve.

\$14,000	GL Code: 001-02201-000-8007-000 (Computer Equipment)
\$14,000	GL Code: 001-05201-0100 (Fund Reserve)

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#### **PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Heidt's staff report dated May 24, 2006, including information concerning the schedule for Penn Laird Drive and Water Tower Road sewer (advertising pending authorization from USDA Rural Development); McGaheysville WWTP (DEQ has requested further County report); Phase III Landfill extension (continuing to work on bid documents); Grassy Creek tank (project completed); Three Springs Water system analysis (final payment under review by staff); Pleasant Run Interceptor (proposal for design of new water line received from Peed Bortz); Lilly Gardens (awaiting VDH draft consent agreement and well-upgrade proposals); City of Harrisonburg Waste to Energy Plant; and Solid Waste Ordinance changes (continuing to work with local waste haulers); Montevideo Water Booster Station Emergency Generator and Transfer Switch (Leon Electric contracted to complete project) and Highland Park and Belmont Sewage Lift Stations (flow study ongoing at both stations).

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized staff to proceed with the Peed & Bortz proposal for final design services of the Pleasant Run water line at a cost of \$53,100.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated May 24, 2006, including information concerning Board of Zoning Appeals vacancy, upcoming requests, priority projects underway and tabled requests.

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**S06-29, REQUEST OF SHENANDOAH VALLEY PRODUCE AUCTION.**

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S06-29, request of Shenandoah Valley Produce Auction for an off-premise advertising sign on property located on the northwest side of the intersection of Ottobine Road (Route 257) and Lumber Mill Road (Route 734) in Election District #2, zoned A1. Tax Map #105-(A)-115E. This matter was tabled by the Board on April 27, 2006.

Supervisor Ahrend advised that the proposed sign met the requirements of the Virginia Department of Transportation and that it would be removed at the end of each growing season, with the posts to remain on site.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-29, request of Shenandoah Valley Produce Auction for an off-premise advertising sign.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. Signs shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon the applicants obtaining outdoor advertising permits from VDOT's Staunton Office if required by that office. If an outdoor advertising permit is not required, a letter shall be submitted from VDOT stating that no outdoor advertising permits shall be required. If outdoor advertising permits are required, a copy of said permit shall be submitted to the Community Development Department prior to issuance of a building permit.
4. All VDOT regulations shall be met.
5. Sign face shall be allowed to be up only during the produce auction season and the sign face shall be removed from the posts at the end of each season.
6. All Rockingham County and State laws pertaining to off-premise advertising shall be met.

7. The signs shall be kept in good repair and if not kept in good repair, they shall be removed from the property.
8. If business advertised on the sign should cease operation, the sign face shall be removed within 30 days from the date the business last operates.

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#### **COMMITTEE REPORTS.**

The Board heard committee reports from Board members and staff.

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#### **Public Hearing - FY 2005-06 Budget Amendments**

At 7:00 p.m., Chairman Breeden declared the meeting open for a public hearing to consider an amendment to the Fiscal Year 2005-06 Budget to appropriate funds provided by the Virginia Economic Development Partnership to be used for the Wal-Mart Distribution Center through the Governor's Opportunity Fund and to consider an amendment to the Fiscal Year 2005-06 Budget to appropriate funds to complete services for the Comprehensive Services Act.

There were no requests to speak on these matters.

At 7:01 p.m., Chairman Breeden declared the public hearing closed.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board adopted the amendment to the Fiscal Year 2005-06 Budget in the amount of \$1,500,000 provided by the Virginia Economic Development Partnership to be used for the Wal-Mart Distribution Center through the Governor's Opportunity Fund as follows:

Proposed Amendment	
Fiscal Year 2005-2006 Adopted Budget	
<b>General Fund</b>	
Revenue:	
Governor's Opportunity Fund	\$1,500,000
Expenditure:	
Economic Development-Other Assistance	\$1,500,000

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board adopted the amendment to the Fiscal Year 2005-06 Budget in the amount of \$697,017 to appropriate funds to

complete services for the Comprehensive Services Act as follows:

Proposed Amendment	
Fiscal Year 2005-2006 Adopted Budget	
<b>General Fund</b>	
Revenue:	
Comprehensive Services Act (State)	\$697,017
Expenditure:	
CSA Mandated/Residential/Private	\$697,017
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**PUBLIC HEARING - SPECIAL USE PERMITS**

At 7:02 p.m., Chairman Breeden declared the meeting open for a public hearing on the following special use permit application. Ms. Stultz reviewed the particular of the request.

S06-31, request of John W. & Elaine Schaefer for a second residence (for applicant) on property located on the southeast side of Glen Hollow Road (Route 752) approximately 2/10 mile southwest of Kieffer Road (Route 876), Election District #2, zoned A2. Tax Map #63-(A)-33A1.

Gail Brunk said the applicants had been her neighbors for a number of years, and she was 100 percent in favor of the request.

The applicants were present to answer questions.

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At 7:05 p.m., Chairman Breeden closed the public hearing and called the regular session back to order.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-31, request of John W. & Elaine Schaefer for a second residence (for applicant) on property located on the southeast side of Glen Hollow Road (Route 752) approximately 2/10 mile southwest of Kieffer Road (Route 876), Election District #2, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.

- (3) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (4) Neither this residence nor the existing residence shall be used for rental purposes.
- (5) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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At 7:09 p.m., Chairman Breeden declared the meeting open for a public hearing on the following special use permit applications. Ms. Stultz reviewed the particulars of each case.

06-30, request of Olde Town, LLC, for an increase in on-premise advertising sign to 165 sq. ft. and 30 feet in height on property located on the southwest side of Spotswood Trail (Route 33) and Island Ford Road (Route 649), Election District #5, zoned B2. Tax Map #142A2-(A)-14.

J.L. Hopkins, representing Olde Town, LLC, introduced Sue Justice, owner of Gingersnap House, and Scott Shifflett of The Nifty Fifties, businesses in the Olde Town shopping center. He said the signs, which were designed by Eddie Edwards Signs, were needed to identify the businesses.

Sue Justice advised that, although she advertised offsite, she needed "sign recognition" so that prospective customers could find her store. She stated that "approval of the permit is essential to my becoming and remaining a viable Rockingham County business."

Scott Shifflett, husband of the owner of The Nifty Fifties, expressed concern that customers were unable to find his wife's store and asked that the Board approve the request so that she could "succeed in her small business."

Renate Rickert complained that the conditions placed on a car wash in the shopping center were not being met. She stated that there was no follow-up to the conditions and, even she had written many letters and talked to members of the Board, the conditions were still not being met.

Ms. Stultz advised that a question had come up regarding the use of a road that was not supposed to be included as an entrance, and she said VDOT had erected a sign showing that the road was closed. She said the car vacuums were shown in one place on the plan but had been moved a few feet in one direction or the other, but staff did not consider this to be non-compliance.

She also noted that a few shrubs had died but those shrubs were not a requirement of the special use permit.

Ms. Rickert said there were three vacuums instead of the two that were supposed to be at the car wash. She complained of a "security issue" where the cars might roll down the hill if they were left in neutral. She complained also that a gasoline tank was left in the parking lot of the center's landscaping business.

Mr. Hopkins said he built the center based on the building permit and he had complied "with every requirement the County placed on the property." He noted that the occupancy permit for the car wash was not yet issued and he was sure it would not be issued until all of the County's requirements were met.

Mr. Shifflett reminded the Board that he was there to obtain a permit for a sign to identify his wife's business and that he had nothing to do with the car wash. He noted that vacuums at the car wash would stop any vehicles from going over the hill. He pointed out that the shopping center is a high-quality development.

Elwin Rickert said he was not opposed to the signs but he wanted the permit for the car wash enforced. He expressed concern about water runoff from the car wash and the lowering of his property values.

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S06-32, request of Scott J. Funkhouser for a second residence (for farm hand) on property located on the northwest side of Wampler Road (Route 619) and Long Meadow Drive (Route 793), Election District #1, zoned A1. Tax Map #52-(A)-264A.

There were no requests to speak on this request.

Supervisor Cuevas said the property was not to be used for rental purposes.

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S06-33, request of Barry James Wilfong for an auto repair shop on property located at the deadend of Leaky Pond Lane (private) approximately 2/10 mile west of Layman Trestle Road (Route 719), Election District #3, zoned A2.

Mr. Wilfong explained that he had been operating for eight years and had "never caused any problems or had any grievances with neighbors." He noted that he worked from about 9:00 a.m. to 6:00 p.m.

Jay Thomas, adjacent landowner, said he was in favor of the request.

There were no objections raised.

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At 7:35 p.m., Chairman Breeden closed the public hearing and called the regular session back to order.

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In regard to Olde Town, LLC, Chairman Breeden noted that some questions had arisen concerning the present signing, and he asked that a motion to table be brought forward to allow time for staff to respond to those questions. At the request of Chairman Cuevas, on motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-30, request of Olde Town, LLC, for an increase in on-premise advertising sign to 165 sq. ft. and 30 feet in height on property located on the southwest side of Spotswood Trail (Route 33) and Island Ford Road (Route 649), Election District #5, zoned B2. Tax Map #142A2-(A)-14.

Supervisor Kyger said the other issues raised concerning other businesses located on the site should be explored as a separate issue.

Supervisor Cuevas suggested that staff give the Board a summary of the problems related to the car wash and other businesses at this location and address the issues raised.

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On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-32, request of Scott J. Funkhouser for a second residence (for farm hand) on property located on the northwest side of Wampler Road (Route 619) and Long Meadow Drive (Route 793), Election District #1, zoned A1. Tax Map #52-(A)-264A.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.

- (4) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (5) Manufactured home shall be skirted and the tongue removed, unless included in the skirting, within sixty (60) days from final inspection.
- (6) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (7) This residence shall not be used for rental purposes.

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On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-33, request of Barry James Wilfong for an auto repair shop on property located at the deadend of Leaky Pond Lane (private) approximately 2/10 mile west of Layman Trestle Road (Route 719), Election District #3, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) A change of use building permit shall be required to convert the existing private garage to a public garage.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) In accordance with Health Department, there shall be no plumbing in the building, and the only employee shall live in the existing residence on the property.
- (5) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (6) Off-street parking shall comply with the Rockingham County Code.
- (7) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (8) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (9) There shall be no more than five vehicles either awaiting repair or having been repaired located outside the building.

- (10) All work shall be done in the building, and there shall be no accumulation of parts or of junk (including, but not limited to junk vehicles) allowed to accumulate on the property.
- (11) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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**PUBLIC HEARING - REZONING REQUEST.**

At 7:40 p.m., Chairman Breeden declared the meeting open for a public hearing on the following rezoning application. Ms. Henderson reviewed the particulars of the request.

On April 20, 2006, the staff advised, "The A2 uses are limited by the size of the lot, the presence of the existing structure, and the right-of-way along the southern fence line. This rezoning request is not expected to negatively impact the area."

On May 2, 2006, the Planning Commission concurred with staff's recommendation for approval.

RZ06-09, request of Paula R. Morris to rezone .34 acre from A1 (Prime Agricultural) to A2 (General Agricultural) on tax parcel 137 (A) 119. This site is located on the west side of North River Road (Route 867) approximately 500 feet south of Friedens Church Road (Route 682) in Election District #3. The Comprehensive Plan designates this area as Agricultural Reserve inside an Urban Growth Area. If the rezoning request is granted, the applicant wants to apply for a special use permit for an art studio and gallery.

Ms. Morris said she had been working on renovations to the property for three years. She noted that there was an entrance across the railroad tracks and three other properties "down the lane." She said she would post signs that the driveway could not be blocked. She explained that she did not desire to have a full-time art gallery but would like to open her art studio to other artisans on occasion throughout the year, at which time she would provide "port-a-johns."

Stephen Blatt, representing Donald Yeakle, said an artist's studio would not be permitted in an A2 zone. He said he did not see any authority in the Zoning Ordinance to permit the rezoning. He stated that the Board had no authority to rezone the property because art galleries were limited to A3 zones. He said the property had been vacant for 20 or 30 years, that the building was dilapidated and that the pit privy on the site would not be a grandfathered use. He pointed out that the Health Department had denied a septic permit



for the site. He said "Port-a-Potties" were not permitted for use with a business. He noted that a pit privy would be a threat to the Yeakle's well, that the road was narrow with a blind curve, and the area was not suitable for the business use (occasional art gallery).

Supervisor Floyd asked if there was room on the property for a septic system. Ms. Henderson said there was not room for a septic system.

Ms. Morris explained that she was investigating alternative septic systems. She said the building was not dilapidated but had been restored. She reminded the Board that she was not asking for a full-time art gallery but just for the opportunity to open her studio for use as a gallery on occasion.

Ms. Henderson explained that A1 properties do not allow for art galleries so the A2 with a special use permit would be the proper zoning for a gallery. She pointed out that a special use permit would be required if the zoning was approved.

Ms. Morris said the Health Department advised her that she did not have to provide bathroom facilities for the gallery's occasional opening as long as she did not serve food or have more than a certain number of people in the building. She said she had investigated a number of possibilities, including the possibility of using a part of her neighbor's property as a septic field.

Mr. Brown advised the Board that the Health Department would regulate the appropriate waste disposal system. He noted that an artist's studio is allowed in A1 but would not allow the public to come in and that there were a number of uses spelled out in A2 that were "very close" to what the applicant planned. He pointed out that the parcel was quite "tiny" and would be of no use without some type of rezoning.

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At 8:20 p.m., Chairman Breeden closed the public hearing and called the regular session back to order.

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On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled RZ06-09, request of Paula R. Morris to rezone .34 acre from A1 (Prime Agricultural) to A2 (General Agricultural) on tax parcel 137 (A) 119. This site is located on the west side of North River Road (Route 867) approximately 500 feet south of Friedens Church Road (Route 682) in Election District #3.

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**ADJOURNMENT.**

At 8:25 p.m., Chairman Breeden declared the meeting adjourned.

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Chairman